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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DARRICK L. HUNTER,

9 Plaintiff,

v.

10 CHARLES N. ROHRER, et al.,

11 Defendants.

CASE NO. C18-5198 BHS

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION AND
REFERRING FOR FURTHER
PROCEEDINGS

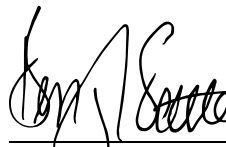
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13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 42, Plaintiff
15 Darrick Hunter’s (“Hunter”) objections to the R&R, Dkt. 43, and the parties’ status
16 report, Dkt. 54.

17 On April 24, 2019, Judge Creatura issued the R&R recommending that the Court
18 grant Defendants Margaret Gilbert, Timothy McCandless, Keith Morgan, and Charles
19 Rohrer’s (“Defendants”) motion for summary judgment. Dkt. 42. On May 9, 2019,
20 Hunter filed objections. Dkt. 43. On October 2, 2019, the Court appointed counsel for
21 Hunter. Dkt. 51. On November 21, 2019, the parties filed a joint status report outlining
22 how each side intends to proceed with this matter. Dkt. 54.

1 Upon review of the report, the Court agrees with Hunter that the Court's order
2 requesting supplemental briefing was not intended to narrow the scope of the issues in
3 this matter nor comment on the R&R. Because the parties agree that discovery should be
4 reopened, the Court concludes that the best path forward is to decline to adopt the R&R
5 and refer the matter for further discovery and dispositive motions. It seems unnecessary
6 to rule on issues at this time before additional discovery is completed or an amended
7 complaint is possibly filed. Therefore:

- 8 (1) The Court declines to **ADOPT** the R&R;
9 (2) Defendants' motion, Dkt. 28, is **DENIED without prejudice**; and
10 (3) The matter is referred for further proceedings.

11 Dated this 11th day of December, 2019.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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